



CLEAN, FLOWING WATERS FOR WASHINGTON

The Center for
Environmental Law & Policy

October 4, 2014

Washington Department of Ecology
Eastern Regional Office
Water Resources Program
Attn: Victoria Leuba
Via e-mail to vleu461@ecy.wa.gov

Re: Comments on Walla Walla ASR Reservoir ROE No. R3-30526

Dear Ms. Leuba:

Thank you for the opportunity to provide comments on the City of Walla Walla draft Report of Examination (ROE). This project presents trade-offs regarding protection of environmental values that should be carefully considered before approval.

(1) Imposition of instream flow requirements is appropriate.

The draft ROE imposes WRIA-based instream flow requirements on the Walla Walla ASR storage permit. This is appropriate and required under state law. Reservoir permits, including ASR permits, are subject to the same requirements for all new water right permits, including that they may not impair existing rights, nor pose a detriment to the the public welfare. RCW 90.03.370(1). The Walla Walla ASR permit is subject to the instream flows set forth in WAC 173-532-030. Failure to subject the permit to these flows would render the permit invalid.

(2) The OCPI analysis is inadequate and the project is of questionable public benefit.

The “overriding consideration of public interest” (OCPI) analysis identifies several factors favoring issuance of the permit to allow degradation of aquifer water quality. The OCPI analysis is incomplete for its failure to place its analysis in context and to consider alternatives to degrading groundwater. We also have concerns that removal of the instream flow conditions (as suggested by the City of Walla Walla) would eliminate substantial public benefits that are relied on to justify the OCPI determination.

- “Security of water supply” is identified as a public health benefit, but the ROE contains no analysis of the extent to which alternative sources of water, including demand management, are available.
- While the benefits are posed in terms of secure drinking water, there is no analysis of how much potable water Walla Walla delivers for non-potable purposes (e.g., domestic/commercial irrigation and industrial uses) and whether this water could be sourced using alternatives to the ASR project.
- Concerns over the lack of alternatives analysis applies equally to the identified “environmental benefit” of reducing aquifer drawdown.
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- Reduction of pathogenic exposures is identified as a public health benefit, but the ROE contains no discussion of the nature and scope of the risk of such exposures, or how emergency measures in lieu of ASR-based groundwater quality degradation might resolve problems associated with watershed damage due to fire.
- Reduction in surface diversions leading to increased instream flows is identified as a benefit, but there is a real concern that Ecology will acquiesce in Walla Walla's demand to remove the low-flow conditions, thus eliminating this OCPI benefit. Further, no comparative analysis is provided to determine the scope and scale of instream flow improvements, or how they might be obtained through other means.
- Similarly the identified benefit of enhanced recharge to improve stream flow in Mill Creek and the Walla Walla River is not put into context. How much recharge? What is the specific benefit? Could enhanced recharge to the stream be obtained in another manner?
- Hydropower benefits also are unquantified.

With respect to the "costs" of the ASR project, groundwater degradation is identified as the primary concern. Downstream domestic and municipal wells could be affected, and it appears that the ASR project is likely to result in increased human consumption of THMs. The ROE OCPI analysis relies on the assumption that as long as the THM concentrations remain below the SDWA MCL, then human impacts are of no concern. There is no indication that down-gradient users were consulted (with the possible exception of College Place), or that analysis was done to determine potential exposures to children, pregnant women and other higher-risk populations.

The OCPI analysis thus appears to conclude that the benefit of secure drinking, irrigation and industrial water for Walla Walla residents outweighs potential unquantified costs of health harms to water users who withdraw from the same source. This conclusion is not well supported and should be re-visited.

(3)Monitoring conditions are inadequate.

The ROE and OPI analysis indicate that THMs are present in the water being injected into groundwater storage, that these chemicals are expected to accumulate, and that they will not degrade over time. The ROE's answer to this problem is to set the limit of THM accumulation at 50% of the Safe Drinking Water Act MCL for THMs, and re-visit the problem should that limit be exceeded.

First, If the ASR project indicates that THMs are accumulating in groundwater, the permit should be cancelled long before contamination levels are measured at 50% of the MCL. We are surprised that the applicant failed to model future contamination accumulations and believe the investigation is incomplete for failure to consider future conditions of the groundwater system if ASR continues.

Second, the permit is inadequate for failure to include sufficient monitoring conditions to protect public health. The requirement (set forth at draft ROE p.5) that sampling and analysis after two years can be done only with the agreement of the permittee effectively gives Walla Walla a veto Ecology's authority to protect public health. All future monitoring must be done solely at the direction of Ecology. This is particularly important given the prediction that THMs will accumulate in groundwater over time.

Thank you for the opportunity to submit comments. Please feel free to contact me if you have questions about our comments or need more information.

Sincerely,

A handwritten signature in black ink that reads "Rachael Paschal Osborn". The signature is written in a cursive style with a large, prominent 'P'.

Rachael Paschal Osborn
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